IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12176 of 2004

Between:

Renuka Sharma, W/o Susheel Kumar Sharma,
Lorry owner,R/o Gandhi Bazar,

Rayachoty, Kadapa District.

..... PETITIONER

AND

The Station House Officer, (Civil Supplies Wing),

Chennur Police Station,
Chennur, Kadapa District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in seizing the vehicle bearing No. TN.02 L 2869 on 2-3-2004 at Door No. 13/168, Kotha Gandhi Nagar street, Chennur Town and Mandal, Kadapa District is arbitrary and illegal.

Counsel for the Petitioner:MRV.L.SURENDER

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

ORAL ORDER:

The petitioner claims to be the owner of the vehicle bearing No TN.02 L 2869. She states that the same was being run on hire basis in and around Kadapa district. On 02-03-2004, the lorry was hired by two persons for transporting rice from Chennur to Kadapa. However, the vehicle was seized by the police on 02-03-2004, on the ground that the vehicle is being used for diversion of the rice meant for food for work to black market. The petitioner states that he is not at all concerned with the alleged diversion of the rice to the black market and he has no knowledge of the same and therefore he is entitled for the release of the vehicle. Accordingly, this writ petition is filed challenging the action of the respondents in seizing the vehicle and also seeking a consequential direction to release the same.

I have heard the learned Counsel for the petitioner and learned Government Pleader appearing for the respondents.

As can be seen from the material on record, the Sub-inspector of police, Chennur Police Station registered Crime No.19 of 2004 under section 7 (1) of Essential Commodities Act for the alleged offence and admittedly further proceedings are pending before the concerned magistrate. In the circumstances, it would be appropriate for the petitioner, to move other necessary applications in the Court where the proceedings are pending, seeking interim custody of the vehicle, in which event the same will be considered in accordance with law and appropriate orders will be passed.

Accordingly, granting leave and liberty to the petitioner the Writ Petition is disposed of. No costs.

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09-08-2004.

To

1. The Station House Officer, (Civil Supplies Wing),

Chennur Police Station,
Chennur, Kadapa District.

2. Two CCs to Government Pleader for Civil Supplies,

High Court of A.P., Hyderabad.(O.U.T),

3. Two CDs.

RNS/GBS.